

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

Jose A. Cruz-Kerkado, et al.,
Plaintiffs
v.
Commonwealth of Puerto Rico, et al.
Defendants

CIVIL ACTION

Case No **3:16-cv-2748**

**MOTION SUBMITTING DOCUMENTS IN SUPPORT OF RECONSIDERATION OF
OPINION & ORDER (Dkt. #72) & JUDGMENT (Dkt. #73)**

PLAINTIFFS, by their attorney, respectfully move the Court for reconsideration of the *Opinion & Order* (Dkt. #72) and the *Judgment* (Dkt. #73) and submits the attached **Exhibit**.

Plaintiffs have asked the Court to reconsider its *Opinion* and *Judgment*. With the ruling on defendant's unsubstantiated dispositive motions plaintiffs were unjustly denied an opportunity to conduct discovery. Yet, the Court's ruling asserts plaintiffs are unable to demonstrate association requirement is unconstitutional and the associations have the standing to sue on behalf of members.

Plaintiffs assert they can demonstrate the association requirement constitutes infringement of the Second Amendment and their members right to freely associate. Attached is the official Puerto Rico Police *Shooting Permit Application Form* for individuals, which indicate Federation Certificate requirement and requires Puerto Rico Shooting Association Stamp and endorsement of prospective permit applicant as its member "socio" and identifies the PRSA as "Federacion de Tiro de Puerto Rico". **Exhibit I** Plaintiffs asserts the Court should have ruled the involuntary private association requirement was *unconstitutional*. Because the Commonwealth should not be allowed to required membership of individuals to a *private* organization as part of its draconian regulatory scheme. Documents submitted as exhibits, including the Judges' own comments to the Federal Bar, with the original Complaint (Dkt. #1, ¶7, Exhibit XIII) showed, despite byzantine requirements, said regulation *had failed to reduce firearm related crimes* within this jurisdiction.

7. Honorable Chief Judge Aida M. Delgado-Colon informed the Puerto Rico District Court's criminal workload continues to increase while criminal filing (2014 to 2015) decreased nationwide. **The District of Puerto Rico ranks first nationwide in weapons related filings. During 2015, firearms cases constituted 32.5% of the Court's criminal workload, far exceeding the national average of only 10%.** Our District Court has the *third* highest criminal workload in the nation. From the Bar, *Federal Bar Association*, Summer 2016, Issue 57, pag. 3-5.
(Complaint, Dkt. #1, Exhibit XIII, From the Bar Issue 57, Summer 2016) (**Exhibit II**)

For an individual to obtain the required Puerto Rico Shooting Federation Stamp, he or she has to pay a \$25-dollar fee to the PRSA gun club and has to keep said gun club's membership through the life of his/her shooting permit, thus having to incur in an additional \$100 (approx..) dollars for his/her annual gun club membership. Said fees go directly to *private businesses and organizations*. They have *nothing* to do with reducing crime or firearm safety, as the PRSA would have us believe. The Court's ruling has the unfortunate result of keeping the *status quo* and puts law abiding citizens at a disadvantage, where as criminals will find ways to obtain firearms regardless of this restriction.

PLAINTIFFS respectfully move the Court for reconsideration of its Opinion & Order (Dkt. #72) and Judgment (Dkt. #73), the ruling should be modified and summary judgment for the plaintiffs should be granted, with regard to their claim of unlawful association requirement.

In San Juan, Puerto Rico, on this 7th. day of April 2018.

Respectfully submitted,

/S/ Humberto Cobo-Estrella, Esq.
USDC-PR230108
PO Box 366451
San Juan, Puerto Rico 00936-6451
Tel. (787) 529-7140
Email: hcobo@hcounsel.com

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing pleading was filed electronically. Notice of this filing will be sent to all parties for whom counsel has entered an operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/S/ Humberto Cobo-Estrella, Esq.
Attorney for the Plaintiffs